

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

FRIDAY, THE 2ND MARCH 2007 / 11TH PHALGUNA 1928

Bail Appl..No. 1286 of 2007

CRIME NO.122/2007 OF PATTAMBI POLICE STATION

APPLICANTS/ACCUSED NOS.1 TO 4

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1. MUHAMMED ALI, AGED 32 YEARS,
S/O. ABDULLA, VALIYAPEEDIKAYIL VEEDU,
SANKARAMANGALAM.
 2. AYISHA, AGED 55 YEARS, W/O. ABDULLA,
VALIYAPEEDIKAYIL VEEDU, SANKARAMANGALAM.
 3. IBRAHIM, AGED 26 YEARS, S/O. ABDULLA,
VALIYAPEEDIKAYIL VEEDU, SANKARAMANGALAM.
 4. RAMLA, W/O. VEERANKUTTY,
VARIYAMPALLAM VEEDU, KARALMANNA.

BY ADV. SRI.P.VIJAYA BHANU
SRI.PRASUN.S

RESPONDENTS: COMPLAINANT - STATE

STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 02/03/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

V.RAMKUMAR, J.

Bail Application No. 1286/2007

Dated this 2nd day of March, 2007

O R D E R

The petitioners who are accused Nos. 1 to 4 in Crime No.122/2007 of Pattambi Police Station for offences punishable under Sections 406, 498-A, 506(i) and 315 IPC read with Section 34 IPC seek anticipatory bail.

2. The learned Public Prosecutor opposed the application.

3. The petitioners are the husband, mother-in-law, brother-in-law and sister-in-law of the defacto complainant. The marriage between the defacto complainant and the first accused took place on 26.12.1996. According to the complaint, the first accused used to harass the defacto complainant on account of her not getting pregnant and on 22.8.2006 at a time when the defacto complainant was pregnant, the first accused is alleged to have assaulted her and fisted and kicked on her abdomen which, according to her, resulted in a mis-carriage.

4. It is too early to accept the contention of the first accused that the abortion was a natural abortion and not on account of any criminal act committed by the first accused. I

am therefore, not inclined to grant anticipatory bail to the first accused. However, in the case of accused Nos. 2 to 4, who are petitioners 2 to 4, I am inclined to grant anticipatory bail.

5. Accordingly, a direction is issued to the Investigating Officer to release the petitioners 2 to 4 on bail for a period of one month in the event of their arrest in connection with the above case on each of them executing a bond for Rs. 10,000/- (Rupees ten thousand only) with two solvent sureties each for the like amount to the satisfaction to the said officer and subject to the following conditions:

1. Petitioners 2 to 4 shall report before the Investigating Officer between 9 a.m. and 11 a.m. on all Wednesdays.
2. Petitioners 2 to 4 shall make themselves available for interrogation as and when required by the Investigating Officer.
3. Petitioners shall not influence or intimidate the prosecution witnesses nor shall they attempt to tamper with the evidence for the prosecution.
4. Petitioners shall not commit any offence

while on bail.

5. Petitioners shall surrender before the Magistrate concerned and seek regular bail in the meanwhile.

6. If the petitioners commit breach of any of the above conditions, the bail granted to them shall be liable to be cancelled.

7. In the case of the first accused there is no reason why he should not surrender before the Magistrate concerned and seek regular bail. Accordingly, if the first petitioner/first accused surrenders before the Magistrate concerned and files an application for regular bail within two weeks from today, the same shall be considered and disposed of by the Magistrate preferably on the same day on which it is filed.

The application is disposed of as above.

**V.RAMKUMAR,
JUDGE**

mrCS

